

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHANE ALBERT EVERETTS,

Plaintiff,

vs.

C.O. ALEX WHISLER, JEFFERY
KENGERSKI, TYLER TRACY
MICHAEL WALTEMIRE, and
SHAUN SMITH,

Defendants.

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) 2:21-cv-1209
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) Hon. J. Nicholas Ranjan

) Magistrate Judge Kezia O.L. Taylor
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MEMORANDUM ORDER

This is a *pro se* case asserting civil-rights violations. This matter was referred to Magistrate Judge Kezia O.L. Taylor for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court applicable to Magistrate Judges.

Currently before the Court is a Report & Recommendation filed by Judge Taylor on November 25, 2024. ECF 318. Judge Taylor recommends that the Court (1) grant Defendants' motion for summary judgment as to Mr. Everetts's Fourteenth Amendment denial-of-medical-care claim against Defendants Waltemire and Whisler and First Amendment retaliation claim against Defendants Waltemire and Smith; and (2) deny Defendants' motion for summary judgment as to Mr. Everetts's excessive-force claim against Defendants Tracey and Kengerski. *Id.* at 22. The parties were notified that, pursuant to 28 U.S.C. § 636(b)(1), objections to the Report & Recommendation were due within fourteen days, or seventeen days for unregistered ECF users. *Id.* No party filed objections to the Report & Recommendation, and the Court adopted the Report & Recommendation on February 12, 2025. ECF 319.

On February 24, 2025, Mr. Everetts filed a response indicating that he had not received the Report & Recommendation due to an issue with his mailbox, which he represented had been fixed. ECF 320. That same day, the Court re-mailed the Report & Recommendation to Mr. Everetts, vacated its prior order adopting the Report & Recommendation, and ordered that any objections should be filed by March 17, 2025. ECF 321; ECF 322. No party filed objections.

Upon a review of the record of this matter and the Report & Recommendation, the Court finds no clear error on the face of the record, and therefore enters the following order:

AND NOW, this **2nd day of June, 2025**, it is hereby **ORDERED** that Judge Taylor's Report & Recommendation, ECF 318, is **ADOPTED** as the opinion of the Court.

BY THE COURT:

/s/ J. Nicholas Ranjan
United States District Judge

cc:
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PRO SE